

**PLANNING COMMISSION MINUTES
SEPTEMBER 15, 1992**

Present: Chairman Jeff Chretien, Dick Dresher, Mick Johnson, Kathi Izatt, Mike Holmes, Mark Green, Don Milligan, Elaine McKay; Barbara Holt, City Council Representative; Jack Balling, City Engineer; Blaine Gehring, Planning and Redevelopment Director; Jon Reed Boothe, Planning Director; Shirley Chevalier, Recording Secretary

The minutes of September 1, 1992 were unanimously approved as written.

Conditional Use Permits:

1. 92-7C Domino's Pizza, 2330 South Orchard Drive, Scott Nielsen, Owner

Domino's Pizza is a takeout and delivery service. The building will be remodeled inside, the landscaping refurbished, and a new sign will be installed. The existing parking is adequate and ingress and egress should not be a problem. There will be a couple of stalls for take-out customers, and one stall for the physically impaired.

There is an existing chain link fence which will remain, and a new chain link fence will be installed between this property and the adjacent property to the south.

The hours of operation are 11:00 AM to 1:00 AM. The bulk of business occurs between 5:30 - 8:00 PM. The Planning Commission said they would prefer a closing time at midnight. Mr. Nielsen said he would have to petition the company to restrict the hours.

Staff recommends approval with the following conditions:

1. The preliminary and final site plans to be approved by the Planning Commission and City Council;
2. All remodeling of the building to be done under a building permit issued by the City, and all necessary Health Department approvals shall be received. A sign permit must be issued for the new sign.

Kathi Izatt made a motion to approve the Conditional Use Permit for Domino's Pizza at 2220 South Orchard Drive subject to the plans showing detailed parking, dumpster and screening, fencing, the lighting in the evenings, more detail on the landscaping, input from the company regarding restricting the hours to midnight, and including staff's two conditions; Mike Holmes seconded the motion; voting was unanimous.

Subdivisions:

1. Windsor Park Subdivision, Preliminary Plat Approval, 2050 East Ridge Hill Drive, 6 Lots, Marv Blosch, Developer

The property is located at the southeast corner of Maple Hills Subdivision #3. The Forest Service property borders on the east, and Mueller Park Road is to the south. This parcel is excess property of the Norm Dobson Estate when Mr. Dobson built his home and pool. Mr. Blosch is in the process of purchasing it and wants to develop it into a six lot subdivision.

Staff has reviewed the plans with the following findings:

1. The subdivision proposes an 800 ft. long cul-de-sac; ordinance allows 600 ft. A variance is requested; (the most desirable part of lot 5 is where Mr. Blosch would like to build. He needs the extra 200 ft. in order to get back to where he would like to build his house);
2. The Subdivision Ordinance requires a public street 54 ft. wide with curb/gutter and sidewalk on both sides. This proposal is for sidewalk on one side only along the frontage of the proposed lots. A variance is requested; (there are no homes on the side where the sidewalk would be eliminated. The sidewalk will be on the east side of the road all the way into the cul-de-sac. Staff does not see any problem with this);
3. A large fill is required at the midpoint of the road in order to clear the existing pool and pump house. This fill is 300 ft. long and between 10-14 ft. high. The ordinance restricts cuts and fills to 10 ft. A variance is requested. (in order to meet the conditions of 12% grade or less and allow vehicles to get in and out during winter, and to meet the engineering and ordinance requirements of the city, there has to be a fill through the draw on the west side of the road. This will be

landscaped with native stone. The east side does not exceed 10 ft. of cut or fill);

4. Lot 6 does not have sufficient buildable area, so the lot line needs to be adjusted to meet the ordinance;

5. The storm drainage as proposed collects the runoff water at midpoint of the street and takes the water down a storm drain pipe through a public utility easement into a storm drain on Maple Hollow Way. The drain is adequate to handle the storm water runoff; however, detention has not been provided and a storm detention fee is required. The existing storm drain may need to be enlarged to handle the added flow. (The neighbors are concerned. They do not want to see this area cut up with a storm drain, and asked if the drain could be brought out to Maple Hills Drive. Mr. Balling said they would have to take a look at the flow.)

All other items are in compliance with the Foothill Ordinance. Staff recommends the Planning Commission review this based on the ordinance and concerns expressed by staff.

Chairman Chretien acknowledged receipt of several letters received by the Planning Department from residents living in the area who oppose this project. Property owners from the subdivision spoke of how this project would affect their lots, particularly in the area where the road would be built and the construction of a 12 ft. high wall, and the location of the storm drain.

There is a lawsuit in the courts scheduled for the end of October that will not affect this preliminary plan approval. The city does not deal with the legal issue, in this case, the restrictive covenants.

Mrs. Holt said she is concerned with the number of variances requested. Most variances the city grants are minor in relation to the total development. In this case, these three variances seem to be in excess of what the Foothill Ordinance intends. Staff's report did not include a recommendation. Mrs. Holt asked Mr. Gehring what his feelings were toward these three critical variances. She also asked Mr. Balling if the city had ever had anyone ask for three variances of this nature within one development. Mr. Balling said in Maple Hills #4 two variances were granted. Mr. Gehring said if this was going to the Board of Adjustment for the variances, he would not recommend approval because of the number of variances. A variance should be a minor adjustment to allow for development to occur where the ordinance cannot be applied. Three in one seems excessive in his opinion.

Mr. Balling said a plan could be presented without asking for variances. The cul-de-sac could be brought back to 600 ft.; the road could be relocated and eliminate fills over 10 ft., which complies with the ordinance. The sidewalk could be put on both sides of the street.

There was concern about the areas shown on the topographic map that were over 30% and the location of the road as it relates to these grades. Planning Commission asked if Mr. Blossch would verify the aerial survey by shooting some grades to show the accuracy of the areas that are 30% or over. There is a disclaimer on all subdivision plats in the foothill area, that indicates the city does not warrant that each one of these lots is buildable. At the time they apply for a building permit, they must submit a topographic map to a scale of 1" = 10 ft. with 2 ft. contour intervals; if the area is over 30% a building permit will not be issued.

Mike Holmes made a motion to table this item until the Planning Commission has taken a field trip to the site after Mr. Blossch has staked the road; seconded by Kathi Izatt; Mick Johnson abstained from voting; the motion was approved by majority vote.

3. Stone Ridge Subdivision Phase F, Preliminary Approval, 1600 South Stone Hollow Road, 6 Lots, Joe Featherstone, Developer

On September 1, 1992, this subdivision was presented for preliminary approval for two portions; the northern area consisting of 14 lots, and the east portion consisting of 6 lots. The agenda for that meeting, however, stated just 14 lots and the Planning Commission felt it could not approve the other section without it first becoming an agenda item. (See minutes of 9-1-92.)

All of the improvements are in. The lots far exceed what is required by the Foothill Ordinance for building area. Storm detention has already been constructed for this development. Staff recommends preliminary approval.

Due to the size of these lots, a question was raised about the possibility of someone wanting to subdivide them. Mr. Featherstone said the restrictive covenants states, among other things, that when a lot is sold it cannot ever be subdivided.

Barbara Holt made a motion to grant preliminary plat approval to Stone Ridge Subdivision, Phase F, 1600 South Stone Hollow Road; seconded by Mike Holmes; Mark Green and Mick Johnson abstained from voting; majority voted approval. (Note: The approval of 14 lots September 1st is known as Plat G.)

Site Plan Approvals:

1. Dee Erickson, 111 South 500 West, Preliminary and Final Site Plan Approval

Preliminary approval was granted on September 1, 1992. The landscaping plan has been submitted and approved. Staff recommends a favorable recommendation to City Council for final site plan approval subject to the following conditions:

1. All remodeling to the building involving structural alterations, electrical, plumbing and/or mechanical systems be done under necessary building permits issued by the City;
2. The necessary landscaping and site improvement bonds be posted with the amounts to be calculated by the Planning Director and the Engineering Department;
3. The proposed building and pad on the south of this property will require a separate site plan approval.

The landscaping in front of the proposed area will be planted in sod and sprinklers stubbed in. It will be completed when the building is in. This is not part of the approval at this time. The landscape ordinance has been met without the inclusion of the proposed portion.

The cross easement between the neighboring property will be worked out after the approval, and was a condition of preliminary approval.

Elaine McKay made a motion to recommend final site plan approval for Dee Erickson, subject to the conditions as outlined above, subject to the necessary utility easements and the crossover easement between the adjoining properties; and to delete the landscaping requirements at this time for the proposed new building, (SW corner), until such time as the new building is built. (Mr. Erickson is to install the sod as mentioned, and the sterilization of the empty pad.) The motion was seconded by Mike Holmes; Mark Green abstained; majority voted approval.

2. Francesco's Restaurant, Final Site Plan, 370 West 500 South

Preliminary approval was given February 18, 1992. The final site plans are in order and meet all city requirements. Landscape and sprinkling plans have been submitted and approved.

The main concern with the site plan as shown, are the necessary agreements and cross easements that exist between Merrill Black, property owner, and Grandma's Tires.

Staff recommends final approval subject to the following conditions:

1. Payment of all fees and posting of all necessary bonds;
2. Demolition and remodeling plans to be approved by the Building Department;
3. All demolition and remodeling to be done under necessary building and demolition permits issued by the city.

Dick Dresher, architect on this project, stated at this time there are no new cross easement agreements or any changed easements. Merrill Black said he did not need this entrance for his project. He has made an agreement with Grandma's Tires to allow them to have access from 500 South into their existing parking area. Mr. Black's attorney felt it was not necessary to grant an easement. They have prepared a plan showing the layout they both agree upon regarding parking, traffic flow, etc.

Mark Green made a motion to recommend final site plan approval for Francesco's Restaurant, subject to the recommendations of staff, adding that the owner provide any utility easements that may be required by the city; Mick Johnson seconded; Kathi Izatt voted nay; Dick Dresher abstained ; majority voted approval.

Miscellaneous Business:

1. Consider Amending the Bountiful City Annexation Policy Declaration

Mr. Gehring explained that when the annexation to 3400 South was completed, area residents as far south as 4200 South, which is a

couple of blocks away from North Salt Lake City Hall, started to approach the city for consideration of annexation. At the last annexation hearings, North Salt Lake expressed some concerns as to how far Bountiful planned to go south. The mayors of both cities met and discussed it, returning to meet with their respective City Councils to discuss what could be done. Bountiful City agreed to not go farther south than 3400 South between Orchard Drive and Highway 89. We would remove any of that area from our Policy Declaration on the part of North Salt Lake. They would not go east into what is remaining of the Val Verda area, and remove that from their Policy Declaration.

Another area that Bountiful City will include in the new Policy Declaration is in the north end of the city, from Main Street to 650 East, to the south side of Pages Lane bordering Centerville, commonly known as the Bangerter property.

North Salt Lake is setting a hearing in October to consider their declaration amendment. Bountiful City Council asked staff to prepare an amendment to our current Policy Declaration and present it to the Planning Commission for recommendation to City Council. A public hearing is tentatively scheduled for October 28, 1992 to adopt the revised Annexation Policy Declaration.

Mike Holmes made a motion to recommend to City Council adoption of the proposed amendment of the Bountiful City Annexation Policy Declaration, to include the Bangerter property at the north boundary between Centerville and Bountiful; seconded by Kathl Izatt ; voting was unanimous.

2. Joint Meeting with Centerville City

Chairman Chretien said a letter was received from Mrs. Todd, Chairwoman of the Centerville Planning Commission, asking that the Bountiful Planning Commission meet jointly with them at their next meeting September 23rd from 7-8 PM to discuss how to better meet the needs of the citizenry along the common border between Bountiful City and Centerville.

Several commissioners said they would not be able to attend on the 23rd, so a date will be selected for some time in October.

3. Recognition of Jon Reed Boothe's Retirement as Bountiful City Planning Director

Mr. Boothe has faithfully served Bountiful City for 27 years. His friends on the Planning Commission took this opportunity to personally thank him and extend their best wishes for a happy retirement.

Meeting adjourned at 10:00 PM.